

**Remarks**

In response to the Restriction Requirement, Applicants elect without traverse **Group I (claims 1-5 and 9-12)**, drawn to a DNA fragment comprising a termination codon upstream of a lethal gene, and a recombinant vector comprising the DNA fragment. Further, with regard to the election of species requirement, Applicants elect the colicin E3 species of lethal gene marker.

Claim 6 has been amended to depend from elected claim 1. Claim 6 reads on the elected colicin E3 species and Applicants therefore respectfully maintain that claim 6 should be examined with the claims of elected Group I.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **October 10, 2007**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000  
Fax: 202-739-3001

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**



---

John K. Weatherspoon  
Registration No. 57,081